

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Luther Johnson,

Case No. 3:18-cv-331

Plaintiff,

Judge Jeffrey J. Helmick

vs.

JOINT STATUS REPORT

Lisa Peterson, et al.,

Defendants.

The parties, by and through their counsel, pursuant to the Order filed September 27, 2021 (Doc. 56), submit their joint status report as follows:

Mediation

Plaintiff has an interest in mediation with a Court-appointed mediator. This will allow the parties to better understand each other's positions in an informal setting and allow for exploration of settlement options.

Defendants oppose mediation unless Plaintiff is willing to abide by the C-5 protocol.¹

¹ If mediation is held, Defendants request that it be held online. Additionally, please note that Defendants' counsel will be out-of-country on vacation from November 19 through December 8, 2021.

Pending Motions

There are currently three pending motions. They are:

- (1) Defendants' Motion To Dismiss Plaintiff's Damage Claims on the grounds of qualified immunity (Doc. 45);
- (2) Plaintiff's *pro se* Request For Injunctive Relief (Doc. 48); and
- (3) Plaintiff's *pro se* Motion To Compel Discovery (Doc. 52).

Regarding (1), Plaintiff filed a *pro se* opposition (Doc. 46) and Defendants filed a reply (Doc. 49). Plaintiff, through his attorney,² requests the opportunity to file a supplemental response in opposition to Defendants' motion and reply brief. Plaintiff proposes January 10, 2022, as his deadline date to file the supplemental response. Defendants do not object to this request.

Regarding (2) and (3), Plaintiff, through his attorney, withdraws these motions without prejudice. Defendants do not object.

Discovery

There has been no formal discovery in this case. Also, consistent with Rule 26(a)(1)(B)(iv) of the Federal Rules of Civil Procedure, there were no initial disclosures. The parties agree there will be a need for formal discovery even if the Court grants Defendants' Motion To Dismiss Plaintiff's Damage Claims. The parties request that initiation of formal discovery be delayed until the Court's ruling regarding Defendants' Motion To Dismiss Plaintiff's Damage Claims.

² The court appointed the undersigned as Plaintiff's pro bono counsel (Doc. 55).

Respectfully submitted,

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